THE HON'BLE SRI JUSTICE A. GOPAL REDDY

W.P.NO.15427 OF 1995

Date: 13.03.2006

Between:

Majji Venkayamma.

…. Petitioner

and

Special Officer, Land Acquisition, Steel Plant, Visakhapatnam & another

… Respondents

THE HON'BLE SRI JUSTICE A. GOPAL REDDY

W.P.NO.15427 OF 1995

O R D E R:

This writ petition is filed seeking a writ in the nature of *mandamus* declaring the inaction of the respondents in not allotting an alternate house site to the petitioner, in lieu of the dwelling house, which was acquired for the purpose of Visakhapatnam Steel Plant, on the ground that he was a non-resident, as illegal and arbitrary.

The brief facts, which are necessary for disposal of this writ petition, are that, the husband of the petitioner was a displaced person from Pedamadaka village.

Under the scheme, the displaced persons are entitled to be given certain rehabilitation facilities viz.

1. R. Card for the head of the family and major married son as on 30.11.1980 for the purpose of identification and provision of rehabilitation facilities;

2. A house plot measuring 107 sq. yards;

3. Employment facilities in steel project to those who possess the required qualifications;

4. Sustenance allowance of Rs.800/- per family at the time of evacuation from the village to the rehabilitation colony;

5. Loan of Rs.12,300/- from Housing Corporation for construction of houses in the plot allotted in Rehabilitation colonies.

However, the husband of the petitioner, who was the head of the family, was declined to grant R.Card, on the ground that he was staying with his son. Subsequently, the husband of the petitioner was granted an associate R.Card through proceedings dated 15.03.1993, but failed to provide an alternate house plot, as contemplated under the Rehabilitation benefits. Aggrieved by the same, the husband of the petitioner approached the Lokayukta, who, in turn, called for a report from the second respondent. On 17.04.1995, the second respondent filed his report to the effect that since the husband of the petitioner was residing with his son, their major son viz. M. Satyanarayana was granted an alternate house plot in Aganampudi Rehabilitation Colony. On filing such a report, the Upa Lokayukta, by order dated 15.06.1995, observed that the complainant slept over his rights, even if any, for such a long period, and it is not possible to interfere in the matter. However, liberty was granted to agitate his rights before the appropriate forum. Aggrieved by the said order, the present writ petition has been filed.

In the counter filed by the second respondent, it has been stated that the villagers are provided with rehabilitation facilities as per the rule. Apart from paying one-fourth of the compensation to the petitioner, a house site patta was granted in plot No.150 in Rehabilitation Colony Sector in the name of his son Satyanarayana and the petitioner was granted an associate R. Card, based on

which, his son would get nomination for employment after his retirement from Indian Army Services.

Heard the learned counsel for both the parties.

From the perusal of the material available on record, it is seen that no where it is mentioned that each member of the family would be given a house plot irrespective of giving R. card. If the husband of the petitioner alone is entitled to allotment of a house plot, he could have objected and claimed that the said plot should be allotted to him, when it was allotted to his son. Having slept over the matter for nearly 12 years and having unsuccessful in obtaining the order from the Lokayukta, the petitioner resorted to reopen a stale claim, which was settled long back. In view of the same, since the husband of the petitioner was already awarded compensation and was given the associate R. card, she is not entitled to the relief as sought for.

The writ petition, therefore, fails and the same is accordingly dismissed. However, this order will not preclude the authorities to consider the claim of the petitioner and passing appropriate orders thereon, if the said scheme is still in subsistence and the plot, if any, is available for allotment. There shall be no order as to costs.

13.03.2006

ksld